

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MARCELO LARIOS-
FERNANDEZ,
Defendant.

Case No. 2:25-MJ-01227-DUTY
ORDER OF DETENTION
[Fed. R. Crim. P. 31.1(a)(6);
18 U.S.C. § 3143(a)(1)]

I.

On March 10, 2025, Defendant Marcelo Larios-Fernandez (“Defendant”) appeared before the Court for initial appearance on the petition and warrant for revocation of supervised release issued in this matter, Case No. 2:25-MJ-01277-DUTY. The Court appointed David Lee Menninger of the Federal Public Defender’s Office to represent Defendant.

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1 II.
23 Pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C.
4 § 3143(a) following Defendant's arrest for alleged violation(s) of the terms of
5 Defendant's probation / supervised release, the Court finds that:
67 A. Defendant submitted to the Government's Request for
8 Detention;
910 B. Defendant has not carried his burden of establishing by clear
11 and convincing evidence that he will appear for further proceedings as required if
12 released [18 U.S.C. § 3142(b-c)]. This finding is based on:
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- 15 • Unverified background as Defendant refused to interview with
16 Pretrial Services;
- 17 • Two instances of refusal to exit cell to appear in Court for initial
18 appearance;
- 19 • Absconding status;
- 20 • Mental health issues;
- 21 • History of drug use;
- 22 • No identified bail resources;
- 23 • History of failures to appear;
- 24 • History of supervision non-compliance with prior revocations;
- 25 • Extensive criminal history, including violent behavior and illicit
26 drug use.

27 D. Defendant has not carried his burden of establishing by clear
28 and convincing evidence that he will not endanger the safety of any other person or
the community if released [18 U.S.C. § 3142(b-c)]. This finding is based on:
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- 30 • Mental health issues;
- 31 • History of drug use;

- 1 • History of supervision non-compliance with prior revocations;
- 2 • Extensive criminal history, including violent behavior and illicit
- 3 drug use.

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5 III.

6 In reaching this decision, the Court considered: (a) the nature and
7 circumstances of the offense(s) charged, including whether the offense is a crime
8 of violence, a Federal crime of terrorism, or involves a minor victim or a controlled
9 substance, firearm, explosive, or destructive device; (b) the weight of evidence
10 against the defendant; (c) the history and characteristics of the defendant; and
11 (d) the nature and seriousness of the danger to any person or the community. [18
12 U.S.C. § 3142(g).] The Court also considered the report and recommendation of
13 the U.S. Pretrial Services Agency.

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15 IV.

16 IT IS THEREFORE ORDERED that Defendant be detained until trial. The
17 defendant is remanded to the custody of the U.S. Marshal for forthwith removal to
18 the Southern District of California. The defendant will be committed to the
19 custody of the Attorney General for confinement in a corrections facility separate,
20 to the extent practicable, from persons awaiting or serving sentences or being held
21 in custody pending appeal. The defendant will be afforded reasonable opportunity
22 for private consultation with counsel. On order of a Court of the United States or
23 on request of any attorney for the Government, the person in charge of the

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1 corrections facility in which defendant is confined will deliver the defendant to a
2 United States Marshal for the purpose of an appearance in connection with a court
3 proceeding. [18 U.S.C. § 3142(i).]

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6 Date: March 10, 2025

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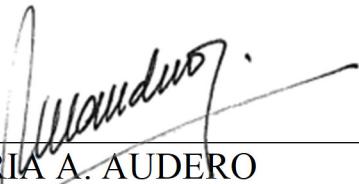
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7 MARIA A. AUDERO
8 UNITED STATES MAGISTRATE JUDGE
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